

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**WILLIAM RANDOLPH HALL, SR.,
as the Administrator of the Estate of
WILLIAM RANDOLPH HALL, JR.
Plaintiff,**

vs.

**PFIZER INC., a Delaware Corporation;
PHARMACIA CORPORATION,
a Delaware Corporation; MONSANTO
COMPANY, a Delaware Corporation;
G.D. SEARLE, LLC, a Delaware
Corporation; ROBERT VANELUNE;
SAMUEL KLEMENT; JAMIE PEACOCK;*
BEN MCCLURKIN, ROD MCWHORTER;*
AND TIFFANY GUCKENBURG**

*

*

*

*

*

CIVIL NO. 2:05-cv-941-F

*

*

*

*

*

*

*

*

*

*

*

MOTION TO REMAND

Plaintiff moves to remand this action to the Circuit Court of Bullock County, Alabama, pursuant to 28 U.S.C. § 1447(c). In support, Plaintiff shows the following:

1. The Defendants have the burden of establishing federal jurisdiction and have failed to meet this burden.
2. There is no diversity of citizenship.
3. Plaintiff has asserted viable claims against the resident defendants, Robert Vandelune, Samuel Klement, Jamie Peacock, Ben McClurkin, Rod McWhorter and Tiffany Guckenborg, and accordingly Defendants have not shown and cannot show that the Alabama Sales Representatives were fraudulently joined.
4. Plaintiff is entitled to an award of reasonable cost and expenses and attorney's fees incurred as a result of the Defendants removal.

These grounds are discussed in more detail in Plaintiff's Brief in Support of Motion to Remand, which is filed contemporaneously with this motion.

/s/Navan Ward, Jr.

JERE L. BEASLEY (BEA020)
NAVAN WARD, JR. (WAR062)
ANDY D. BIRCHFIELD, JR. (BIR006)
PAUL SIZEMORE (SIZ004)
GERALD B. TAYLOR, JR. (TAY026)

OF COUNSEL:

BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 telephone
(334) 954-7555 facsimile

PENN & SEABORN, LLC
Shane Seaborn
Post Office Box 668
Clayton, Alabama 36106

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the parties as listed below by filing via the CM/ECF electronic filing system on this the ____ day of October, 2005.

Gilbert C. Steindorff, IV
Michael Wade
Lawrence B. Clark
ADAMS REESE/LANGE SIMPSON
2100 3rd Avenue North, Suite 1100
Birmingham, Alabama 35203

Charles Q. Socha
K. Michele Anderson
Su-Lyn Combs
SOCHA, PERCZACK, SETTER & ANDERSON, P.C.
1775 Sherman Street, Suite 1925
Denver, Colorado 80203

/s/Navan Ward, Jr.

OF COUNSEL